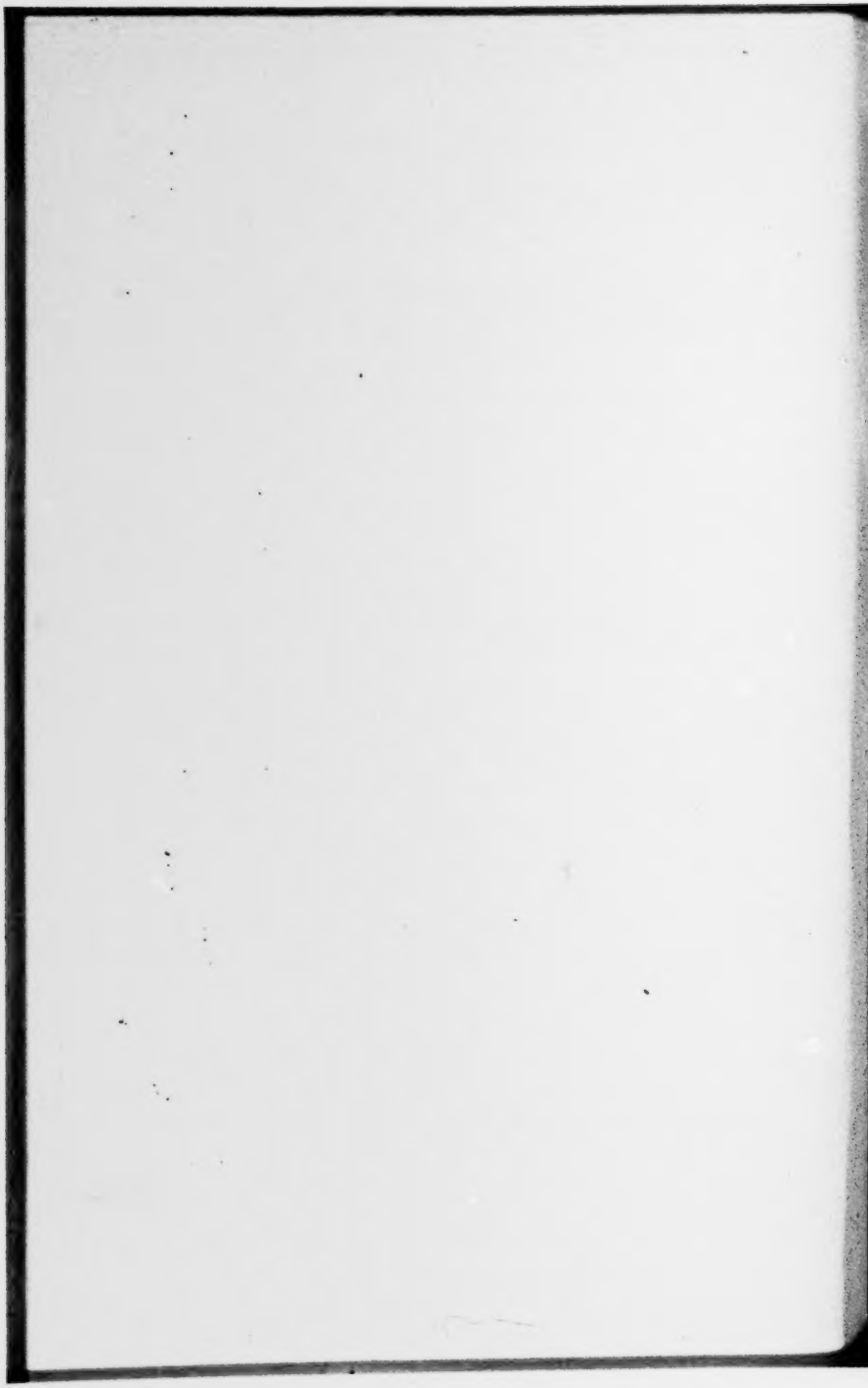

In the Supreme Court of the United States.

OCTOBER TERM, 1903.

THE UNITED STATES, PETITIONERS,
v.
SING TUCK OR KING DO AND THIRTY-one others, respondents.
No. 591.

MOTION TO ADVANCE.

The Solicitor-General, on behalf of the United States, respectfully moves the court to advance the above-entitled cause on the docket for early hearing.

The question involved is the right of the immigration officers to detain in custody and to pass upon the right to land in the United States of the petitioners, who claim that they are "Chinese persons born in the United States and are citizens thereof," and that the immigration officers have authority only to pass upon the "right of *aliens* seeking to enter the United States." Upon the petition of the United States a writ of certiorari was granted by the court on the 29th of February last, to which petition reference is made for a more detailed account of the matters involved.

The case is an appeal in a habeas corpus proceeding and involves directly 32 Chinese persons. Indirectly there are involved the rights of a large number of Chinese, in whose behalf habeas corpus proceedings have been instituted in the northern district of New York and at San Francisco. At Malone, N. Y., alone, more than 200 Chinamen are at the present time confined awaiting the determination of this case. The detention station is full to overflowing and considerable sickness has broken out among the inmates.

In view of the fact that this is a test case, that the rights of a large number of other persons are involved, that these persons are held in custody awaiting the determination of the case, and the fact that its decision will tend to bring about an orderly administration of the Chinese exclusion laws, I submit that the case is one which merits the consideration of the court at the present term.

Notice of this motion has been served upon counsel for the respondents.

HENRY M. HOYT,
Solicitor-General.

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